

FILED

JOAN M. GILMER
CIRCUIT CLERK, ST LOUIS COUNTY

Contestee.


Division 4

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115.511. Consequently, Contestant was required under Section 115.526.2 to file his petition "not later than five days after the latest date for" *determination* by the Secretary of State that Contestee qualified as a candidate at the general election. The Court finds that, under Section 115.333.1, the deadline or "latest date" for the Secretary of State to issue his statement of *determination* that Contestee qualified as a candidate is eleven (11) weeks prior to the general election, or August 23, 2016. Therefore, under Section 115.526.2, Contestant was required to file his challenge "not later than five days after" August 23. Here, Contestee's Petition was not filed until September 3, 2016. Accordingly, Contestant's Election Contest petition was untimely filed, and Contestee's Motion to Dismiss is GRANTED.

3. Contestee's Motion to Dismiss having been granted, the Court herein deems Contestee's Motion for Protective Order and Contestant's Motion to Shorten Time to Respond to Discovery Request as moot.

SO ORDERED:



JOSEPH S. QUEKER
CIRCUIT JUDGE
DIVISION 4

ST. LOUIS COUNTY CIRCUIT COURT
CC: Attorneys of record

DATED: 9/15/16